

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Rhina Alvarenga,

Plaintiff,

v.

Coverall of North America d/b/a Coverall
Cleaning Concepts and Coverall of Boston,
Sunrise Senior Living, Inc. d/b/a Sunrise of
Arlington,

Defendants.

Civil Action No. 05-11819-JLT

PLAINTIFF RHINA ALVARENGA'S MOTION TO REMAND

Pursuant to 28 U.S.C. § 1447(c), Plaintiff Rhina Alvarenga hereby moves to remand this action to the Superior Court Department of the Trial Court for the Commonwealth of Massachusetts, Middlesex Superior Court. Defendant Sunrise Senior Living, Inc. ("Sunrise") filed its Notice of Removal on September 7, 2005. Removal was improper for two reasons. First, the Court does not have subject matter jurisdiction over this action. The Amended Complaint, filed before Sunrise's Notice of Removal, asserts no federal claim. Second, defendant Coverall of North America did not join in the Notice of Removal and has not assented to removal as required by 28 U.S.C. § 1446(b). For these reasons, addressed more thoroughly in the accompanying memorandum of law, Rhina Alvarenga respectfully requests that the Court remand this action.

Local Rule 7.1 Certification

Counsel for Rhina Alvarenga certifies that the undersigned conferred with counsel for the defendants, but the parties were unable to narrow or resolve the issues presented in this motion.

RHINA ALVARENGA

By her attorneys,

/s/ Melissa C. Allison

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